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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,896	11/02/2005	Arthur Raymond Winn	BMADD 1031736	9489
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GORDON & REES LLP 101 WEST BROADWAY SUITE 1600 SAN DIEGO, CA 92101			EXAMINER VOLZ, ELIZABETH J	
			ART UNIT 3781	PAPER NUMBER
			NOTIFICATION DATE 02/19/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@gordonrees.com
cworthem@gordonrees.com

Office Action Summary

Application No.

10/523,896

Applicant(s)

WINN ET AL.

Examiner

ELIZABETH VOLZ

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8, 9, 11, 13, 14, 17, 19 and 22 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 10, 15, 16, 18, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 8, 9, 14, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Foy (U.S. Patent No. 4,591,065).

3. Regarding Claim 1, Foy discloses a collapsible storage container 10 (Figure 1), comprising: a base 12 (Figure 1); two pairs of opposite side and end gates 14/16/18/20 (Figure 1) each pivotally mounted with respect to the base for folding movement between an erect in-use position (Figure 1) and a collapsed position on top of the base (Figure 3), each said gate having a rectangular infill panel (Figure 1 below) having an inner face and an outer face (Figure 1 below), and an outer perimeter frame (Figure 1 below) secured to the outer face of the infill panel, four hollow corner post members 34 (Figure 1), each corner post member terminating at its ends in a pair of laterally inwardly directed locking flanges (Figure 5 below), the laterally inwardly directed locking flanges being perpendicular to one another (Figure 5), frame attachment members 32 (Figure 7) attached to and extending along opposite vertical margins of each of the end gates and defining therewith an outwardly opening locking flange receiving slot (Figure 7) dimensioned to receive one of the laterally inwardly directed locking flanges therein such that the corner post members and frame attachment members interlock with one

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another, when the container is in its erect in-use position condition, interlocking with one another with said locking flanges located in respective said flange receiving slots (Figure 7), and locking means 26 (Figure 1) to releasably lock the frame attachment members to the corner posts when in their interlocking erect in-use position, thereby locking each pair of adjacent side and end gates together in their erect in-use positions (Figure 1).

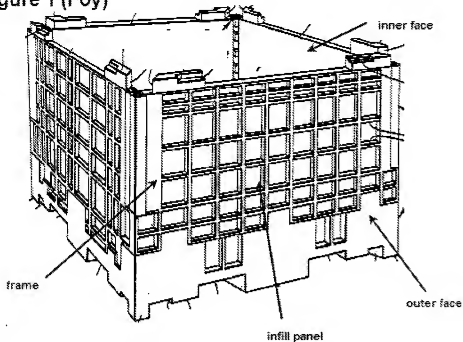
Figure 1 (Foy)

Figure 5 (Foy)



4. Regarding Claim 2, Foy discloses each corner portion member 34 (Figure 1) terminates at one of its ends in said laterally inwards directed locking flange, the free edge of said locking flange being spaced laterally outwards from the vertical margin off the outer frame, and at its other end in an inturned inwardly directed attachment flange arranged to be attached to a respective said vertical margin of each of the outer frames (Figure 7).

5. Regarding Claims 3, 9, 17 and 19, Foy discloses a frame attachment member 32 (Figure 7) which is of angle cross-section having one flange contiguous with the inner face of its associated said infill panel, and its other flange projecting outwardly and lying parallel with a respective said vertical margin of the gate and spaced therefrom so as to form a respective said flange receiving slot which extends approximately the length of the vertical edge of the gate (Figure 7).

6. Regarding Claim 4, Foy discloses detachable securing means for detachably securing each said corner post member 34 (Figure 1) along a respective vertical margin of its associated said gate (Figure 6).
7. Regarding Claims 6 and 14, Foy discloses each side gate is provided with an angle section frame member (Figure 1 above) extending along each of its vertical margins, each angle section frame member having one of its flanges abutting the inner face of the infill panel, and its other flange extending rearwardly and lying parallel to a vertical margin of the outer perimeter frame, said other flange being spaced from said vertical margin so as to define an elongate slot for receiving a respective said locking flange of a said corner post member (Figure 7).
8. Regarding Claim 8, Foy discloses a collapsible storage container 10 (Figure 1), comprising: a base 12 (Figure 1); a pair of opposite side gates and a pair of opposite end gates 14/16/18/20 (Figure 1), each said gate pivotally mounted with respect to the base for folding movement between an erect in-use position (Figure 1) and a collapsed position on top of the base (Figure 3), each said gate having an infill panel (Figure 1 above) having an inner face and an outer face (Figure 1 above), and an outer perimeter frame (Figure 1 above) secured to the outer face of the infill panel so as to define at least vertical margins thereof; said adjacent vertical margins of adjacent said gates when in their erect in-use positions, being interconnected by a corner post member 34 (Figure 1) detachably secured to and abutting each said vertical margin, each said corner post member having a hollow cross section that terminates at its ends in a pair of perpendicular inwardly directed locking flanges (Figure 5 above) which respectively

locate in outwardly opening flange receiving slots on the vertical margins of adjacent gates when the gates are in their erect in-use positions (Figure 7), the corner post members 34 (Figure 1) extending along the vertical margins of the gates, there being locking means 26 (Figure 1) for releasably locking each within its associated said flange receiving slot (Figure 7).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 11, 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foy (U.S. Patent No. 4,591,065) in view of Brown (U.S. Patent No. 6,691,885).

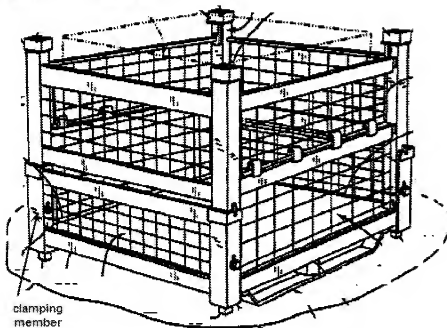
11. Regarding Claims 11 and 13, Foy teaches all the limitations substantially as claimed except for said infill panel which is clamped between said angle frame members and the outer perimeter frame by removable fasteners. However, Brown teaches said infill panel 122 (Figure 5) which is clamped between said angle frame members and the outer perimeter frame by removable fasteners 108 (Figure 13).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Foy to include said infill panel which is clamped between said angle frame members and the outer perimeter frame by removable fasteners, as taught by Brown, in order to allow for the container to be taken apart into smaller pieces to allow for easier storage.

12. Regarding Claim 22, Foy discloses a collapsible storage container 10 (Figure 1), comprising: a base 12 (Figure 1); two opposite side gates and two opposite end gates 14/16/18/20 (Figure 1), each gate being pivotally connected to the base and pivotal between a collapsed position (Figure 3) and an erect position (Figure 1) in which adjacent gates interlock, each gate comprising: two opposite vertical frame members, each vertical frame member having a vertical end face perpendicular to the gate (Figure 1); and four corner post member 34 (Figure 1), each having a hollow cross section that terminates at its ends in a pair of perpendicular inwardly directed locking flange (Figure 1 above), one corner post member 34 (Figure 1) being removably attached to each vertical frame member of the two opposite side gates, wherein each of the perpendicular inwardly directed locking flanges are located within the outwardly facing flange-receiving slots of the vertical end faces of adjacent side gates and end gates (Figure 5). Foy does not disclose a vertical clamping member removably fastened to each vertical frame member, each vertical clamping member having a clamping flange and an outwardly facing flange perpendicular to the clamping flange, the outwardly facing flange forming an outwardly facing flange-receiving slot extending the entire length of the vertical end face of the vertical frame member; an infill panel removably clamped to the two opposite vertical frame members by the vertical clamping members, the clamping flanges of each clamping member abutting against an inner surface of the infill panel. However, Brown teaches a vertical clamping member (Figure 1 below) removably fastened to each vertical frame member, each vertical clamping member having a clamping flange and an outwardly facing flange perpendicular to the clamping

flange (Figure 1), the outwardly facing flange forming an outwardly facing flange-receiving slot extending the entire length of the vertical end face of the vertical frame member; an infill panel 122 (Figure 5) removably clamped to the two opposite vertical frame members by the vertical clamping members, the clamping flanges of each clamping member abutting against an inner surface of the infill panel (Figure 5). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Foy to include a vertical clamping member removably fastened to each vertical frame member, each vertical clamping member having a clamping flange and an outwardly facing flange perpendicular to the clamping flange, the outwardly facing flange forming an outwardly facing flange-receiving slot extending the entire length of the vertical end face of the vertical frame member; an infill panel removably clamped to the two opposite vertical frame members by the vertical clamping members, the clamping flanges of each clamping member abutting against an inner surface of the infill panel, as taught by Brown, in order to allow for the container to be taken apart into smaller pieces to allow for easier storage and for greater support in the in-use position.

Figure 1 (Brown)



13. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Allowable Subject Matter

14. Claims 5, 7, 10, 15, 16, 18, 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ELIZABETH VOLZ** whose telephone number is (571)

270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./
Examiner, Art Unit 3781

/Anthony Stashick/
Supervisory Patent Examiner, Art
Unit 3781